

REMARKS

This Amendment is submitted in reply to the final Office action mailed on January 19, 2006. Claims 1-28 are pending in this application. In the Office Action, Claims 1-23 and 25-28 are rejected under 35 U.S.C. §103. In response Claims 1, 4, 8 and 11-13 have been amended. This amendment does not add new matter. In view of the amendment and/or for the reasons set forth below, Applicants respectfully submit that the rejections should be withdrawn.

In the Office Action, Claims 1-17, 23 and 25-28 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,669,975 to Abene ("*Abene*"). Applicants respectfully disagree with and traverse this rejection for at least the reasons set forth below.

Applicants have amended independent Claims 1, 4, 8 and 11-13 to recite, in part, obtaining a biological sample analysis from the pet after the pet has eaten a combination of the kibble and the additive based on the individual pet profile and supplying or creating a second pre-manufactured kibble and a second additive that is based on the biological sample analysis and the individual pet profile. These amendments are fully supported in the specification, for example, at paragraphs 16-19 and Figure 2.

For example, the specification teaches that the analysis of the biological sample can be obtained after the pet has eaten, for a predetermined period of time, a combination of the first pre-manufactured kibble and the first custom additive produced in accordance with the individual pet profile information. The biological sample analysis can provide information that enhances the individual pet profile information and be used to modify and refine the customized pet food product by suggesting a different pre-manufactured kibble, adding specific additive ingredients, removing specific additive ingredients, and/or changing the amount of any included additive ingredient from the pet product formulation to enable the new formulation to better meet the needs of the pet.

Further, the biological sample analysis can determine a pet's individual reaction to a diet and the pet's ability to change its health status, including, but not limited to stool quality, immune status, oral/dental health, skeletal health, skin and coat health. The pet's individual reaction and ability to change may be different than a reaction of another pet in the same category to the same diet. For example, in creating pet foods for the "average" dog, digestion tests are typically conducted on a statistically large group of animals and their reactions averaged. The predictions

are made on how these diets may fare for other similar dogs. Individual variations are thus excluded during creating foods for the "average" pet. It is these individual variations that can be addressed by using the claimed methods.

Contrary to the present claims, *Abene* fails to disclose or suggest obtaining a biological sample analysis from the pet after the pet has eaten a combination of the first kibble and additive made from the individual pet profile as required by the present claims. *Abene* also fails to disclose or suggest supplying or creating a second pre-manufactured kibble and a second additive that is based on the biological sample analysis and the individual pet profile as required by the present claims.

For the reasons discussed above, Applicants respectfully submit that Claims 1, 4, 8 and 11-13 and Claims 2-3, 5-7, 9-10, 14-17, 23 and 25-28 that depend from these claims are novel, nonobvious and distinguishable from the cited reference. Therefore, Applicants respectfully request that the rejection of Claims 1-17, 23 and 25-28 under 35 U.S.C. §103 be withdrawn.

Claims 18-24 have been rejected under 35 U.S.C. §103 as being unpatentable over *Abene* in view of U.S. Patent No. 6,042,857 to Jones et al. ("*Jones*"). Applicants respectfully submit that the patentability of Claim 13 renders moot the obviousness rejection of Claims 18-24. In this regard, the cited art fails to teach or suggest the elements of Claims 18-24 in combination with the novel elements of Claim 13.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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